

**House File 45 - Introduced**

HOUSE FILE 45  
BY WINDSCHITL

**A BILL FOR**

1 An Act relating to the regulation of firearms and ammunition in  
2 a state of public emergency and providing a remedy.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.3, subsection 4, paragraph e, Code  
2 2015, is amended by striking the paragraph.

3 Sec. 2. Section 29C.6, subsection 16, Code 2015, is amended  
4 to read as follows:

5 16. Suspend or limit the sale, dispensing, or  
6 transportation of alcoholic beverages, ~~firearms~~, explosives,  
7 and combustibles.

8 Sec. 3. NEW SECTION. **29C.23 Firearms and ammunition —**  
9 **limitations — exceptions — remedies.**

10 1. This chapter shall not be construed to authorize the  
11 governor or any other official of this state or any of its  
12 political subdivisions or any agent or person acting at the  
13 direction of the governor or any such official to do any of the  
14 following:

15 a. Prohibit, regulate, or curtail the otherwise lawful  
16 possession, carrying, transportation, transfer, or defensive  
17 use of firearms or ammunition.

18 b. Suspend or revoke, except in accordance with section  
19 724.13, a permit issued pursuant to section 724.6, 724.7, or  
20 724.15.

21 c. Seize or confiscate firearms and ammunition possessed in  
22 accordance with the laws of this state.

23 2. This section shall not prohibit any of the following:

24 a. The temporary closure or limitations on the operating  
25 hours of businesses that sell firearms or ammunition if the  
26 same operating restrictions apply to all businesses in the  
27 affected area.

28 b. Regulations pertaining to firearms and ammunition used  
29 or carried for official purposes by law enforcement officers  
30 or persons acting under the authority of emergency management  
31 agencies or officials.

32 3. a. A person aggrieved by a violation of this section  
33 may seek relief in an action at law or in equity or in any  
34 other proper proceeding for actual damages, injunctive relief,  
35 or other appropriate redress against a person who commits or

1 causes the commission of such violation.

b. In addition to any other remedy available at law or in equity, a person aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may make application for its return in the office of the clerk of court for the county in which the property was seized pursuant to section 809.3.

8       c. In an action or proceeding to enforce this section, the  
9 court shall award the prevailing plaintiff reasonable court  
10 costs and attorney fees.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the regulation of firearms and  
15 ammunition in a state of public emergency.

16 The bill provides that Code chapter 29C, relating to a  
17 public disorder or disaster emergency proclamation by the  
18 governor, shall not be construed to authorize the governor  
19 or any other official of this state or any of its political  
20 subdivisions acting at the direction of the governor or other  
21 official to prohibit, regulate, or curtail the otherwise lawful  
22 possession, carrying, transportation, transfer, or defensive  
23 use of firearms or ammunition, to suspend or revoke, except  
24 in as otherwise authorized, a permit to carry weapons issued  
25 pursuant to Code section 724.6 or 724.7 or a permit to acquire  
26 pistols or revolvers issued pursuant to Code section 724.15,  
27 or to seize or confiscate firearms or ammunition possessed in  
28 accordance with state law.

29 The bill does not prohibit the temporary closure or  
30 limitations on the operating hours of businesses that sell  
31 firearms or ammunition if the same operating restrictions  
32 apply to all businesses in the affected area or regulations  
33 pertaining to firearms used or carried for official purposes by  
34 law enforcement officers or persons acting under the authority  
35 of emergency management agencies or officials.

1     The bill allows a person aggrieved by a violation under  
2 the bill to seek relief in an action at law or in equity or  
3 in any other proper proceeding for actual damages, injunctive  
4 relief, or other appropriate redress, including court costs  
5 and attorney fees, against a person who commits or causes  
6 the commission of such violation. In addition to any other  
7 remedy available at law or in equity, a person aggrieved by  
8 the seizure or confiscation of a firearm or ammunition in  
9 violation of the bill may file an application for its return  
10 in the office of the clerk of court for the county in which the  
11 property was seized pursuant to Code section 809.3.

12     The bill makes conforming changes to Code sections 29C.3 and  
13 29C.6 relating to the governor's authority under current law to  
14 prohibit the possession of firearms or any other deadly weapon  
15 by a person other than at that person's place of residence  
16 or business and to suspend or limit the sale, dispensing, or  
17 transportation of firearms.